

DRAFT City of Walla Walla State Environmental Policy Act municipal code updates related to categorical exemptions.

(Added terms are in ***bold/ italicized***. Removed terms are ~~stricken~~ – all changes are in red font)

19.24.010 Application requirements.

A. Preapplication Conference. Prior to the filing of a short plat application, the developer shall confer with the director or his or her designee and submit a sketch of the proposed division. The director shall advise the developer as to procedure, conformity to applicable ordinances and comprehensive plan policies.

B. Short plats require a Level II review.

~~1. Short plats dividing land into less than five lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership shall be categorically exempt from SEPA threshold determination requirements except as provided in WAC 197-11-305 and 197-11-800.~~

~~2. Short plats dividing land into five or more lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership are subject to SEPA threshold determination requirements.~~

C. Application for Short Plat. Application for short plat approval shall consist of the following:

1. An application form, completed and signed by the property owner or authorized agent;
2. Copies of the preliminary short plat in such number and format requested by the department prepared in accordance with Chapter 19.40, Required Information;
3. The application shall be accompanied by the required filing fee;
4. A certificate verifying ownership of and encumbrances on the property; and
5. A completed SEPA environmental checklist and accompanying fee; unless the director determines that the short plat is categorically exempt.

21.08.180 Adoption by reference.

The city adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including WAC 173-806-080 (Use of exemptions):

WAC

197-11-800 Categorical Exemptions, as further amended in section 21.08.181.

197-11-880 Emergencies.

197-11-890 Petitioning DOE to change exemptions.

21.08.181 Categorical exemptions.

A. *In accordance with 21.08.080 WVMC, p*Proposed actions exempted in Chapter 43.21C RCW are exempt to the extent provided therein, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

B. Proposed actions exempted in WAC 197-11-810 through 197-11-875 are categorically exempt from threshold determination and EIS requirements to the extent provided therein, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

C. The following described proposed actions are categorically exempt from threshold determination and EIS requirements *in accordance with WAC 197-11-800(1), minor new construction – flexible thresholds*, to the extent provided herein, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305:

1. Minor New Construction – Flexible Thresholds.

a. The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in subsection (C)(1)(b) of this section shall control. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

b. The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water:

i. The construction or location of any residential structures of *thirtyfour single family dwelling units or sixty multifamily residential dwelling units*.

ii. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ten thousand square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

iii. The construction of an office, school, commercial, recreational, service or storage building with *thirty four* thousand square feet of gross floor area, and with associated parking facilities designed for *ninety twenty* automobiles.

iv. The construction of a parking lot designed for *ninety twenty* automobiles.

v. Any landfill or excavation of one *thousand hundred* cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

~~2. Other minor new construction. The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection); the exemptions provided by this section shall apply to all licenses–~~

~~required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required:~~

~~a. The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.~~

~~b. The construction and/or installation of commercial on-premises signs, and public signs and signals; provided, however, this exemption shall not apply to construction and/or installation of a commercial electric sign within three hundred feet of a residential structure or a residentially zoned property.~~

~~c. The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screens, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington State Department of Agriculture approved herbicides by licensed personnel for right-of-way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights-of-way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right-of-way is required, adding auxiliary lanes for localized purposes (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right-of-way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts, and reconstruction of existing roadbed (existing curb to curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.~~

~~d. Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (C)(1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.~~

~~e. Additions or modifications to or replacement of any building or facility exempted by subsections (C)(1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.~~

~~f. The demolition of any structure or facility, the construction of which would be exempted by subsections (C)(1) and (2) of this section, except for structures or facilities with recognized historical significance.~~

~~g. The installation of impervious underground tanks having a capacity of ten thousand gallons or less.~~

~~h. The vacation of streets or roads.~~

~~i. The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.~~

~~j. The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.~~

~~3. Repair, remodeling and maintenance activities. The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of pilings, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:~~

~~a. Dredging;~~

~~b. Reconstruction/maintenance of groins and similar shoreline protection structures; or~~

~~c. Replacement of utility cables that must be buried under the surface of the bedlands. Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.~~

~~4. Water Rights. Appropriations of one cubic foot per second or less of surface water, or of two thousand two hundred fifty gallons per minute or less of ground water, for any purpose. The exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation.~~

~~5. Purchase or Sale of Real Property. The following real property transactions by an agency shall be exempt:~~

~~a. The purchase or acquisition of any right to real property.~~

~~b. The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to an authorized public use.~~

~~c. The lease of real property when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.~~

~~6. Minor Land Use Decisions. The following land use decisions shall be exempt:~~

~~a. Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivisions or short platting within a plat or subdivision previously exempted under this subsection.~~

~~b. Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.~~

~~e. Classifications of land for current use taxation under Chapter 84.34 RCW, and classification and grading of forest land under Chapter 84.33 RCW.~~

~~7. Open Burning. Opening burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.~~

~~8. Clean Air Act. The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.~~

~~9. Water Quality Certifications. The granting or denial of water quality certifications under the Federal Clean Water Act (Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1341) shall be exempt.~~

~~10. Activities of the State Legislature. All actions of the state legislature are exempted. This subsection does not exempt the proposing of legislation by an agency (WAC 197-11-704).~~

~~11. Judicial Activity. The following shall be exempt:~~

~~a. All adjudicatory actions of the judicial branch.~~

~~b. Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter are not exempted by this subsection.~~

~~12. Enforcement and Inspections. The following enforcement and inspection activities shall be exempt:~~

~~a. All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.~~

~~b. All inspections conducted by an agency of either private or public property for any purpose.~~

~~c. All activities of fire departments and law enforcement agencies except physical construction activity.~~

~~d. Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.~~

~~e. Any suspension or revocation of a license for any purpose.~~

~~13. Business and Other Regulatory Licenses. The following business and other regulatory licenses are exempt:~~

~~a. All licenses to undertake an occupation, trade or profession.~~

~~b. All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.~~

~~c. All licenses to operate or engage in amusement devices and rides and entertainment activities, including but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.~~

~~d. All licenses to operate or engage in charitable or retail sales and service activities, including but not limited to peddlers, solicitors, secondhand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, closeout and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.~~

~~e. All licenses for private security services, including but not limited to detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.~~

~~f. All licenses for vehicles for hire and other vehicle related activities, including but not limited to taxicabs, ambulances, and tow trucks; provided, that regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.~~

~~g. All licenses for food or drink services, sales, and distribution, including but not limited to restaurants, liquor, and meat.~~

~~h. All animal control licenses, including but not limited to pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.~~

~~i. The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.~~

~~14. Activities of Agencies. The following administrative, fiscal and personnel activities of agencies shall be exempt:~~

~~a. The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs.~~

~~b. The assessment and collection of taxes.~~

~~c. The adoption of all budgets and agency requests for appropriation; provided, that if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.~~

~~d. The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.~~

~~e. The review and payment of vouchers and claims.~~

~~f. The establishment and collection of liens and service billings.~~

~~g. All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.~~

~~h. All agency organization, reorganization, internal operational planning or coordination of plans or functions.~~

~~i. Adoptions or approvals of utility, transportation and solid waste disposal rates.~~

~~j. The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection.~~

~~15. Financial Assistance Grants. The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project. This exemption includes agencies taking nonproject actions that are necessary to apply for federal or other financial assistance.~~

~~16. Local Improvement Districts. The formation of local improvement districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under WAC 197-11-800 and 197-11-880.~~

~~17. Information Collection and Research. Basic data collection, research, resource evaluation, requests for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information gathering, or as part of a study leading to a proposal that has not yet been approved, adopted or funded; this exemption does not include any agency action that commits the agency to proceed with such a proposal. (Also see WAC 197-11-070.)~~

~~18. Acceptance of Filings. The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.~~

~~19. Procedural Actions. The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt. Agency SEPA procedures shall be exempt.~~

~~20. Building Codes. The adoption by ordinance of all codes as required by the state Building Code Act (Chapter 19.27 RCW).~~

~~21. Adoption of Noise Ordinances. The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the Department of Ecology under Chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations (and thus requires approval of the Department of~~

~~Ecology under RCW 70.107.060(4)), SEPA compliance may be limited to those items which differ from state regulations.~~

~~22. Review and Comment Actions. Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.~~

~~23. Utilities. The utility related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.~~

~~a. All communications lines, including cable TV, but not including communication towers or relay stations.~~

~~b. All stormwater, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.~~

~~c. All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of fifty five thousand volts or less; and the overbuilding of existing distribution lines (fifty five thousand volts or less) with transmission lines (more than fifty five thousand volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.~~

~~d. All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.~~

~~e. All developments within the confines of any existing electric substation, reservoir, pump station or well; provided, that additional appropriations of water are not exempted by this subsection.~~

~~f. Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition; provided, that chemicals used are approved by the Washington State Department of Agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.~~

~~g. All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.~~

~~h. All grants of franchises by agencies to utilities.~~

~~i. All disposals of rights of way by utilities.~~

~~24. Natural Resources Management. In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:~~

~~a. Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.~~

- ~~b. Licenses or approvals to remove firewood.~~
- ~~c. Issuance of agricultural leases covering one hundred sixty contiguous acres or less.~~
- ~~d. Issuance of leases for Christmas tree harvesting or brush picking.~~
- ~~e. Issuance of leases for school sites.~~
- ~~f. Issuance of leases for, and placement of, mooring buoys designed to serve pleasure-craft.~~
- ~~g. Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.~~
- ~~h. Periodic use of chemical or mechanical means to maintain public park and recreational land; provided, that chemicals used are approved by the Washington State Department of Agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.~~
- ~~i. Issuance of rights-of-way, easements and use permits to use existing roads in nonresidential areas.~~
- ~~j. Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of Chapter 79.70-RCW.~~

~~25. Personal Wireless Service Facilities.~~

- ~~a. The siting of personal wireless service facilities are exempt if the facility:~~
 - ~~i. Is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school;~~
 - ~~ii. Includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest, or agriculture zone; or~~
 - ~~iii. Involves constructing a personal wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.~~
- ~~b. For the purposes of this subsection:~~
 - ~~i. "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.~~

- ~~ii. “Personal wireless service facilities” means facilities for the provision of personal wireless services.~~
- ~~iii. “Microcell” means a wireless communication facility consisting of an antenna that is either:~~
- ~~(A) Four feet in height and with an area of not more than five hundred eighty square inches; or~~
 - ~~(B) If a tubular antenna, no more than four inches in diameter and no more than six feet in length.~~
- ~~e. This exemption does not apply to projects within a critical area designated under GMA (RCW 36.70A.060).—~~

21.08.130 Public notice.

A. Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for nonexempt permit(s) or approval(s) required for the proposal.

B. If a DNS is issued using the optional DNS process, the public notice requirements for notice of application/proposal in Section 20.14.065 of this code will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).

C. Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the city shall give public notice as follows:

1. If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

2. If an environmental document is issued concurrently with the notice of application/proposal, the public notice requirements in Section 20.14.065 of this code will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).

3. If no public notice is otherwise required for the permit or approval, the city shall give public notice of the DNS or DS by:

- a. Applicant Notice. The city shall deliver or mail notice to the applicant, or the person or entity designated by the applicant to receive notice.

- b. Public Notice.

- i. The city shall deliver or mail notice for nonexempt Level I and Level II proposals to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor’s office, which is adjacent to the proposal site.

- (A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor’s office,

which is adjacent to any portion of the boundaries of the proposal site or such other adjacently located parcels owned by the same owner as the proposal site.

(B) The city shall additionally post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

ii. The city shall deliver or mail notice for nonexempt Level III proposals to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to any portion of the boundaries of the proposal site or such other adjacently located parcels owned by the same owner as the proposal site.

(B) The city shall additionally post conspicuous notice at the proposal site and post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

iii. The city shall deliver or mail notice for nonexempt Level IV proposals to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is within four hundred feet of the proposal site, as measured from each property line of the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is within four hundred feet of any portion of the boundaries of the proposal site or such adjacently located commonly owned parcels, as measured from each property line.

(B) The city shall additionally post conspicuous notice at the proposal site and post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

iv. The city shall publish notice for nonexempt Level V and Level VI proposals in the Walla Walla Union Bulletin and post notice on the city Internet website.

v. The city shall deliver or mail notice for nonexempt proposals that are not otherwise identified in subsections (C)(3)(b)(i) through (iv) of this section to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to any portion of the boundaries of the proposal site or such other adjacently located parcels owned by the same owner as the proposal site.

(B) The city shall additionally post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

4. Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

D. Whenever the city issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

1. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and the city shall give public notice of by:

a. Applicant Notice. The city shall deliver or mail notice to the applicant, or the person or entity designated by the applicant to receive notice.

b. Public Notice.

i. The city shall deliver or mail notice for nonexempt Level I and Level II proposals to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to any portion of the boundaries of the proposal site or such other adjacently located parcels owned by the same owner as the proposal site.

(B) The city shall additionally post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

ii. The city shall deliver or mail notice for nonexempt Level III proposals to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to any portion of the boundaries of the proposal site or such other adjacently located parcels owned by the same owner as the proposal site.

(B) The city shall additionally post conspicuous notice at the proposal site and post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

iii. The city shall deliver or mail notice for nonexempt Level IV proposals to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is within four hundred feet of the proposal site, as measured from each property line of the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is within four hundred feet of any portion of the boundaries of the proposal site or such adjacently located commonly owned parcels, as measured from each property line.

(B) The city shall additionally post conspicuous notice at the proposal site and post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

iv. The city shall publish notice for nonexempt Level V and Level VI proposals in the Walla Walla Union Bulletin and post notice on the city Internet website.

v. The city shall deliver or mail notice for nonexempt proposals that are not otherwise identified in subsections (D)(1)(b)(i) through (iv) of this section to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to any portion of the boundaries of the proposal site or such other adjacently located parcels owned by the same owner as the proposal site.

(B) The city shall additionally post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

E. Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in WAC 197-11-172(3).

F. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

G. For nonexempt Level II, III, IV, V, and VI proposals, the city shall additionally provide notice as described in 20.14.065 WVMC.

20.14.065 Notice of application/proposal.

A. Notice of Application/Proposal – Contents. Notice of application/proposal shall be given no later than fourteen days after the application has been determined to be complete. Notice of application/proposal is not required for interpretation requests or Level I proposals that are categorically exempt under SEPA, unless a special notification request has previously been made in accordance with Section 20.14.015. If the proposal requires an open record hearing, notice of application shall be given at least fifteen days prior to the hearing.

1. Notice of application/proposal shall include:

- a. The identity of the applicant;
- b. The date of the notice of application/proposal;
- c. Project description;
- d. Preliminary identification of existing environmental documents that evaluate the proposal and the location where the application and studies can be reviewed;
- e. A preliminary determination and reference to the relevant code provisions, development standards, and regulations which may apply to the approval of the application; a preliminary list of those regulations that will be used for project mitigation; and, if a mitigated DNS is expected to issue, a preliminary list of conditions being considered to mitigate environmental impacts;
- f. On the first page, notice that:
 - i. The city uses the optional threshold determination process authorized by WAC 197-11-355;
 - ii. The application comment period for nonexempt proposals may be the only opportunity to comment on the environmental impacts of the proposal;
 - iii. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an environmental impact statement is prepared; and
 - iv. A copy of the subsequent threshold determination on the proposal may be obtained upon request;
- g. The information required by Section 20.14.060(C);
- h. A statement identifying the public comment period, the right to comment on the application, receive notice of and participate in hearings, request a copy of decision on the proposal once made, and any appeal rights;

i. To the extent applicable, the date, time, place, and type of hearing upon the application if such hearing has been scheduled at the time the notice of application/proposal is given; and

j. Other information that the department determines to be appropriate to include.

2. The notice of application/proposal may incorporate by reference the determination of completeness to the extent that it substantially provides the information required herein. In such case, the notice of application/proposal and copies thereof shall attach a copy of the determination of completeness and additionally provide the information required herein that is not provided by the determination of completeness. A notice of application/proposal and copies thereof which by reference incorporates a determination of completeness shall also attach any copies of documents incorporated through reference by the determination of completeness. The department shall prepare and provide a separate notice of application/proposal containing the information required by this section if either:

a. A determination of completeness was not required for the proposal;

b. A determination of completeness was not timely prepared for the proposal; or

c. The determination of completeness substantially omits the information required by Section 20.14.060(C).

B. Notice of Application – How Given.

1. Applicant Notice. The department shall electronically deliver or mail notice of application/proposal to the applicant, or the person or entity designated by the applicant to receive notice. The notice of application/proposal may be provided to the applicant or applicant's designee contemporaneously with the determination of completeness.

2. Agency Notice. The department shall electronically mail notice of *all* applications/proposals that are not categorically exempt under SEPA *in accordance with Chapter 21.08 WWMC* to departments and agencies with *potential* jurisdiction over the project permit application. *The list of departments and agencies receiving notice shall be maintained by the development services department.*

3. Site Plan Review Committee Notice. The department shall electronically deliver notice of application/proposal to members of the site plan review committee if the proposal requires site plan review.

4. Sustainability Committee. The department shall electronically mail notice of applications/proposals that are not categorically exempt under SEPA to the city's sustainability committee.

5. Public Notice.

a. The department shall electronically deliver or mail notice of application/proposal of interpretation requests and Level I proposals that are categorically exempt under SEPA to parties that have filed a special notification request in accordance with Section

20.14.015. Such notice shall explain that there is no comment period, and that the proposal is categorically exempt under SEPA.

b. Anyone who has filed a special notification request in accordance with Section 20.14.015 shall receive the notice of application.

c. The notice of application shall be provided as follows:

Review Level	Notice Provided(1)
Non-SEPA exempt Level I	• Mailed to adjacent property owners (2)
	• City's website
Level II	• Mailed to adjacent property owners (2)
	• City's website
Level III	• Property owners within 300 feet of project site boundaries
	• City's website
	• Post the project site in a conspicuous location
	• Publish in the Union-Bulletin
Level IV (3)	• Property owners within 400 feet of project site boundaries
	• City's website
	• Post the project site in a conspicuous location
	• Publish in the Union-Bulletin
Level IV – Shoreline Substantial Development Permits, Shoreline Conditional Use Permit, or Shoreline Variance (4)	• Property owners within 400 feet of project site boundaries
	• City's website
	• Post the project site in a conspicuous location
	• Publish in the Union-Bulletin two consecutive weeks on the same day of the week
Level V	• City's website
	• Publish in the Union-Bulletin
Level VI	• City's website
	• Publish in the Union-Bulletin
Annexation Proposals	• In accordance with Section 20.02.080 instead of this section
Prezone Proposals	• In accordance with the provisions of Chapter 35A.14 RCW instead of this section
Street Vacations	• In accordance with the provisions of Chapter 35.79 RCW instead of this section

(1) Notice is provided to the record owner(s) of property, as shown by the records of the Walla Walla County assessor's office.

(2) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice of application/proposal shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County assessor's office, which is adjacent to any portion of the boundaries of the proposal site or such other adjacently located parcels owned by the same owner as the proposal site.

(3) Notice of subdivision preliminary plat proposals shall be given to the Washington State Secretary of Transportation if a proposed subdivision preliminary plat is located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport.

(4) Notices regarding shoreline substantial development proposals shall additionally include a statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning the proposal as expeditiously as possible after the issuance of decision, may submit the comments or requests for decisions to the department within thirty days following the date of final publication of the notice of application; unless the proposal is for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion, in which case comments must be submitted within twenty days following the date of final publication of the notice of application.

C. Combined Notice. Notice of application/proposal may be combined with notice of hearing if the hearing date has been set at the time notice of application/proposal is given. Each combined notice shall contain the notice of application/proposal information required herein and the notice of hearing information required by Section 20.14.085.

D. The department should document the date and manner by which any notice is given.

E. The department may remove posted notice upon expiration of the comment period.

F. Publication costs and costs incurred to post and remove notice at the proposal site shall be borne by the applicant in addition to other costs and fees which apply.

20.134.130 Inadvertent discovery of archaeological and cultural resources.

When an unanticipated discovery of protected cultural material (e.g., bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains are discovered, the permittee(s) for any building or grading permit secured in accordance with this title shall immediately stop all work, completely secure the location, and contact the Washington State Department of Archaeology and Historic Preservation and other contacts as identified in the inadvertent discovery plan and procedures made available by the City of Walla Walla Development Services Department. The individual or representative whom the permit was issued to must send written notification of the inadvertent discovery to the City of Walla Development Services Department.

20.134.040 Pollutants and contaminants.

A. ***Federal and state Ambient air quality standards specified in the National Ambient Air Quality Standards as regulated by the State Department of Ecology Regulation 80-7 of the***

~~Benton-Franklin-Walla-Walla Counties Air Pollution Control Authority~~ or in any subsequent amendments thereto shall apply to all contaminants listed therein.

B. Toxic substances (including asbestos, beryllium compounds, vinyl chlorides, and benzol and any others added to the toxics list of the U.S. Environmental Protection Agency Standards). Asbestos demolition (including the handling of scrap asbestos from any source) shall be conducted in accordance with the State Department of Ecology ~~and Benton-Franklin-Walla-Walla Counties Air Pollution Control Authority~~ requirements.

C. Liquid or solid wastes shall be disposed of in keeping with the best operating practices of the industry and in compliance with the regulations and requirements of local, regional, state, or federal agencies having jurisdiction in liquid or solid waste disposal and environmental health and safety.

D. Radioactive Materials and Radiation Devices. The use, transportation, storage, and disposal of all radioactive materials and handling devices shall be subject to the regulatory controls of any local, regional, state, or federal agency having jurisdiction.

E. Ground and Soil Contaminants. Materials used or created in any commercial/industrial process shall be handled in such a manner so as to prevent ground or soil contamination which destroys or endangers the support of natural vegetation, or which may pollute underground aquifers or other natural drainage systems.